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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAY - 4 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 01-153
Table of Allotments,) RM-10169
FM Broadcast Stations.)
(Tilden, Texas))

APPLICATION OF CHARLES CRAWFORD FOR REVIEW

1. Charles Crawford applies to the Commission to review the Report and Order released April 5, 2004 by the Assistant Chief, Audio Division, Media Bureau.

2. Given the staff's reliance on the Commission's decision in Benjamin and Mason, Texas, FCC 03-327 (January 8, 2004) involving similar circumstances, no purpose would be served by lodging a Petition for Reconsideration here. Accordingly, we file this Application for Review, incorporating by reference the Application for Review filed by Mr. Crawford and related papers including Mr. Crawford's Reply to Opposition to Application for Review in the Benjamin and Mason, Texas case, currently before the United States Court of Appeals for the District of Columbia Circuit, sub nom. Crawford v. F.C.C. and United States of America, Case No. 04-1031.

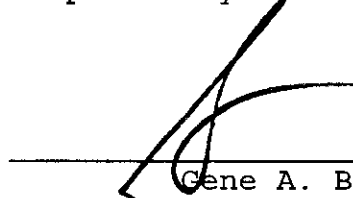
3. As is shown therein, the conflict between Mr. Crawford's petition to allot channel 245C3 to Tilden, Texas, and the proposed allotment of channel 233C3 at Quanah, Texas, arises at step number twelve in a humongous counterproposal extending hundreds of miles from Oklahoma to the Texas Gulf coast where, in the effort to add another FM station in the Austin, Texas,

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allotments in Durant, Oklahoma, Archer City, Texas, Seymour, Texas, Wellington, Texas, Knox City, Texas, Lawton, Oklahoma, Elk City, Oklahoma, Healdton, Oklahoma, Waco, Texas, Georgetown, Texas, Lakeway, Texas and San Antonio, Texas. The last named change involves downgrading an existing station from a full Class C FM facility on channel 247C to a modified Class C FM facility on channel 245C1. Application for Review, dated February 4, 2003 at 6-7. Ergo, a conflict with Mr. Crawford's proposal to allot channel 245C3 to Tilden, Texas.

4. It is irrational and unlawful to hold that Mr. Crawford was on fair notice of this potential for conflict. The Quanah channel (233) and the Tilden channel (245) are widely spaced and pose no potential for mutual exclusivity. Under court and agency precedent examined in the Application for Review incorporated herein, the more than 400 mile distance between Quanah and Tilden is not geographic proximity that might be a warning sign regarding mutual exclusivity. Id. at 12-20.

Respectfully submitted



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CERTIFICATE OF SERVICE

I certify that on this 4th day of May, 2004, I have caused copies of the foregoing APPLICATION OF CHARLES CRAWFORD FOR REVIEW to be placed in the United States mails, first class, postage prepaid, addressed to the following:

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